

HOUSE JOINT RESOLUTION 127

By Maggart

A RESOLUTION to direct the Department of Human Services to study issues relating to spousal responsibility in the TennCare nursing home program.

WHEREAS, many elderly or disabled Tennesseans rely on medical assistance through the TennCare program to provide needed nursing home care for themselves or a spouse; and

WHEREAS, the complex eligibility and financing requirements related to Medicaid's role in nursing home care pose challenges to families, the Bureau of TennCare and the Department of Human Services; and

WHEREAS, the legal relief sought by spouses through various qualified domestic relations orders, including, but not limited to, divorces and legal separations that involve property settlements and allocations of property among the spouses, have implications for the financial resources required from the spouse of a nursing home resident and from the State of Tennessee and the federal Medicaid program in order to pay for care of the Medicaid eligible nursing home resident; and

WHEREAS, while administrative determination of Medicaid eligibility and the resources to be available from and for the spouse of a nursing home resident have been the responsibility of the Department of Human Services, the role court orders have in this process has raised significant issues of policy and equity in the administration of the TennCare program; and

WHEREAS, in 2000 in *Blumberg v. Tennessee Department of Human Services*, the Tennessee Court of Appeals spoke to the continuing availability of methods of procedure through the courts and administrative agencies in determining spousal responsibility under federal law; and

WHEREAS, in light of the financial implications for state government in the determination of spousal responsibility in the TennCare program, it would be beneficial for the Department of Human Services to study the issues and policy options available to the State in crafting Medicaid policy; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that the Department of Human Services is directed to study issues and policy options relating to spousal responsibility for nursing home care in the Medicaid program and to report to the House Health and Human Resources Committee and the Senate General Welfare, Health and Human Resources Committee concerning its findings and recommendations for legislation, if any, on or before January 31, 2012.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be prepared and delivered to the Commissioner of Human Services.